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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/510,225	10/01/2004	Rolf-Dieter Pavlik	2002P03966WOUS	6264				
7590 02/19/2008								
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>KIM, EDWARD J</td></tr></table>			EXAMINER	KIM, EDWARD J		
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		<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2155</td><td></td></tr></table>			ART UNIT	PAPER NUMBER	2155	
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2155								
		<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>02/19/2008</td><td>PAPER</td></tr></table>			MAIL DATE	DELIVERY MODE	02/19/2008	PAPER
MAIL DATE	DELIVERY MODE							
02/19/2008	PAPER							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,225

Applicant(s)

PAVLIK ET AL.

Examiner

EDWARD J. KIM

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 11/30/2007.
2. Claims 30-34 are pending in this office action. Claims 1-29 have been canceled by the Applicant.

Response to Amendment

3. The examiner withdraws previous objections to the Specification. The examiner accepts the amendments made to claims 16, 17, 20, 21, and 23-31.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the term “operatively installed”, which renders the limitation vague and indefinite as to whether there are undisclosed additional steps required in the installation process, failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 30 recites,

“the web server software system comprising a web server kernel and a plurality of interface-compatible software expansion modules installed on the web server kernel via a common interface protocol between each of the expansion modules and the web server kernel.”

Art Unit: 2155

It is unclear as to how the interface-compatible software expansion modules are installed via a common interface protocol between each of the expansion modules. The claim is vague and indefinite to how the expansion modules are installed via a protocol that exists between those modules, which are to be installed, meaning that they are not previously installed on the system.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuchlin et al. ("HIGHROBOT: Telerobotics in the Internet", Copyright 1997), hereinafter referred to as Kuchlin.

Regarding claim 30, Kuchlin discloses, a web server with integrated industrial automation functionality comprising: a real-time operating system operatively installed on a web server computer (Kuchlin, section 1, section 2, section 3.2, section 4. Kuchlin discloses real-time operating systems installed.);

a web server software system operatively installed on the web server computer (Kuchlin et al., Section 1, Section 2, Section 3.2, Section 4, Section 4.1. Kuchlin discloses a web server carrying out web server functionalities as well as industrial automation functionalities.);

the web server software system comprising a web server kernel and a plurality of interface-compatible software expansion modules installed on the web server kernel via a common interface protocol between each of the expansion modules and the web server kernel, wherein the common interface protocol is standardized for the software expansion modules such that the software expansion modules are integrated with, and part of, the web server software system (Kuchlin et al., Section 3.2, Section 4.1, Section 4.2, Section 4.3. Kuchlin discloses that the system is implemented on a common interface protocol, the Internet protocol.);

a first one of the expansion modules providing server/client network communication (Kuchlin et al., Section 4.2.2, Section 4.2.4);

a second one of the expansion modules providing real-time process control of at least one hardware component of an industrial automation system (Kuchlin, section 2, section 4. Kuchlin discloses real-time operating systems installed.);

and the second expansion module interfaced to the real-time operating system; wherein a network client of the web server software system can monitor and control over the network communication the industrial hardware component via the web server software system (Kuchlin et al., Section 4.2.2, Section 4.2.4).

Regarding claim 31, Kuchlin disclosed the limitations, as described in claim 30, and further discloses a web server, wherein the common interface protocol comprises an Internet protocol that provides communication between the expansion modules as well as communication with the client; and wherein communication between the kernel and the expansion modules is standardized on the Internet protocol; whereby integration of the expansion modules, including the industrial automation expansion module, into the web server software system is facilitated by

Art Unit: 2155

the Internet protocol as a universal protocol (Kuchlin et al., section 3.1, section 3.2, section 4.1, section 4.2, section 4.3. Kuchlin discloses that the system is implemented on various common interface protocols (refer to section 3.2.2 Standard computer networks), such as, the Internet protocol, MAP (refer to section 3.1), which is used for communication in the system.).

Regarding claim 32, Kuchlin disclosed the limitations, as described in claim 31, and further discloses, a web server of claim 31, wherein the internet protocol comprises TCP/IP (Kuchlin, section 3.2).

Regarding claim 33, Kuchlin disclosed the limitations, as described in claim 31, and further discloses a web server wherein the internet protocol comprises HTTP and/or FTP (Kuchlin, section 4.1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchlin et al.(), hereinafter referred to as Kuchlin, in view of Soergel et al. (US Patent #6,529,780 B1), hereinafter referred to as Soergel, in further view of Rathjen et al. (US Publication #2004/0015383 A1), hereinafter referred to as Rathjen.

Regarding claim 34, Kuchlin discloses the limitations, as described in claim 31, and further discloses a web server wherein the plurality of software expansion modules comprises a

Art Unit: 2155

web page server (55) (Kuchlin et al., Section 1, Section 2, Section 3.2, Section 4, Section 4.1. Kuchlin discloses the use of web server and web browser in the invention.), an industrial field bus access (57) (Kuchlin, fig.1, section 1, section 2, section 3.1, section 3.2. Kuchlin discloses field-bus in the system), a JAVA processor (59) (Kuchlin, Abstract, section 1, section 3.2.4 Internet technology, section 4, section 4.1. Kuchlin discloses Java-applets and Java technology used in the system.), however fails to explicitly disclose the use of an XML parser, XML processor and a webcam.

Soergel discloses a method for automatic operation of industrial plants, and further discloses, a webcam processor (Soergel, Abstract, col.3 ln.45-46. Soergel discloses the use of camera in an industrial automation system on a network such as the Internet.). It would have been obvious to one of ordinary skill in the art to modify the teachings of Kuchlin with those of Soergel to include webcam and a processor for processing data from the webcam. One would have been motivated to do so for monitoring purposes.

Rathjen discloses, a method, device and system for collecting, visualizing and/or modifying operating data of at least one machine pertaining to the tobacco processing industry. Rathjen further discloses, the use of an XML parser (56), and an XML processor (64) (Rathjen, paragraph [0008]. Rathjen discloses the use of XML web authoring language). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kuchlin with those of Rathjen to utilize XML language. One would have been motivated to do so, as it was known in the art that XML is a standard way of structuring data (syntax), which allows the user to define own proprietary data syntax then build own proprietary tools with ease.

Response to Arguments

10. Applicant's arguments and amendments filed on 11/21/2007 have been carefully considered but they are not deemed fully persuasive.

As per claim 30, the Applicant argues,

“...web server software is a modification of an industrial controller. This is opposite of the present invention, in which an industrial controller is an expansion module in a web server. Furthermore Kuchlin teaches in detail how to customize the industrial controller to support a web server with industrial automation functions by using object-oriented programming to create body objects in the web server software and corresponding proxy objects in the network client software.”

Examiner respectfully disagrees.

Kuchlin discloses, an open workstation based robot control which has full access to the Internet and its Web-technologies (see Abstract). Furthermore, Kuchlin discloses a web server carrying out web server functionalities as well as industrial automation functionalities (refer to section 1, section 2, section 3.2, section 4, section 4.1), where the invention disclosed by Kuchlin is implemented on common interface protocols, including the Internet protocol (section 3.1, section 3.2, section 4.1, section 4.2, section 4.3). An industrial automation controller integrated with web server functionalities implies that the system is a web server integrated with industrial automation control functionalities.

As per claim 31, the Applicant argues,

“Kuchlin does not teach using an Internet protocol to provide communication not only with a network client, but between the expansion modules as well, and wherein communication between a web server kernel and the expansion modules is standardized on the Internet protocol.”

Examiner respectfully disagrees.

Kuchlin discloses that the system disclosed in the invention is implemented on common interface protocols, including the Internet protocol (section 3.1, section 3.2, section 4.1, section 4.2, section 4.3). The system disclosed by Kuchlin includes a web server with integrated industrial automation functionalities, wherein the modules are installed upon as disclosed by the Applicant in claims 30 and 31. As the system, along with the web server, is implemented on the Internet protocol, and communicates via the Internet protocol, Kuchlin's disclosure implies that the Internet protocol is used for communication between the modules as well.

11. Applicant's arguments with respect to claim 34 is deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., by incorporating new limitations into the independent claims, which require further search and consideration) to the claims which significantly affected the scope thereof.

12. Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Art Unit: 2155

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2155

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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